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SPECIFIC GROUPS AND INDIVIDUALS

MASS EXODUSES AND DISPLACED PERSONS

Report of the Representative of the Secretary-General on internally displaced persons, Mr. Francis M. Deng, submitted pursuant to Commission on Human Rights resolution 2000/53

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Executive Summary

In 1992, in response to growing international concern about the large number of internally displaced persons throughout the world and their need for assistance and protection, the Commission on Human Rights requested the United Nations Secretary-General to appoint a representative on internally displaced persons (Commission resolution 1992/73). Francis M. Deng (Sudan) was appointed to this position and, as with other special procedures of the Commission, serves in this capacity on a voluntary and part-time basis.

The Representative was requested to prepare a comprehensive study identifying existing laws and mechanisms for the protection of internally displaced persons, additional measures to strengthen implementation of these, and alternatives for addressing protection needs not adequately covered by existing instruments. The mandate of the Representative has since been renewed by the Commission three times (in resolutions 1993/95, 1995/57 and 1998/50). The Representative was requested to continue his analysis of the causes of internal displacement, the needs of those displaced, measures of prevention and ways to strengthen protection, assistance and solutions for the internally displaced, and to do so through dialogue with Governments, intergovernmental, regional and non-governmental organizations, and by taking into account specific situations.

The present report provides an overview of developments in the work of the Representative since the report to the Commission at its fifty-sixth session (E/CN.4/2000/83 and Add.1-3).

The main report provides an overview of developments in the various areas of work of the mandate, specifically: the normative framework, in particular the promotion of the Guiding Principles on Internal Displacement; efforts towards an effective institutional framework; the country focus; and new issues explored through the agenda of research.

There are five addenda to the report. Addendum 1 consists of a report on the Representative's mission to Burundi. Addendum 2 is a summary report of a workshop on internal displacement in the South Caucasus, which was held in Tbilisi, Georgia, in May 2000. Addenda 3, 4 and 5 are reports on the missions of the Representative to Armenia, Georgia and Angola respectively.

Introduction

1. In the first year of the new millennium, the plight of internally displaced persons moved to centre stage. Indeed, the year 2000 began with discussions in the Security Council in January which focused on the plight of internally displaced persons in Africa and also provided a lens through which to examine issues concerning the international response to the global crisis of internal displacement.

2. Africa is the most affected continent, hosting approximately half of the world's internally displaced population, but internal displacement is a truly global phenomenon. In over 50 countries in literally all regions of the world - in Africa, the Americas, Asia, Europe and the Middle East - upwards of 25 million persons are displaced as a result of conflict and human rights violations. Millions more have been uprooted by natural or human-made disasters.

3. On the positive side, unprecedented attention has been paid to the issue this past year within the United Nations, in governmental circles, in regional organizations, among non-governmental organizations and by civil society in many parts of the world. Moreover, the interest in this issue, which continues to gather momentum, has generated a number of significant developments, which point the way towards a more effective response to this problem in the future.

4. This report highlights the main developments over the past year in the four areas of the mandate activities: the normative framework on internal displacement; the institutional framework; the country focus; and exploring new issues through an agenda for research.

I. THE NORMATIVE FRAMEWORK ON INTERNAL DISPLACEMENT

5. As detailed in the previous reports to the Commission and the General Assembly, a major focus of the mandate from the outset has been the development of a normative framework for addressing the protection and assistance needs of the internally displaced. When the Commission first requested the Secretary-General to appoint a representative in 1992, one of the tasks with which the Representative was charged was to examine existing international human rights, humanitarian and refugee law and its applicability to the protection and assistance of the internally displaced. In 1993, noting that the Representative had identified a number of tasks requiring further attention and study, including the compilation of existing rules and norms and the question of general guiding principles to govern the treatment of internally displaced persons, the Commission requested the Representative to continue his work aimed at a better understanding of the general problems faced by internally displaced persons and their possible long-term solution, with a view to identifying, where required, ways and means of improving protection and assistance for internally displaced persons. The General Assembly welcomed this request and encouraged the Representative, through dialogue with Governments, to continue his review of the needs for international protection and assistance of internally displaced persons, including through a compilation and analysis of existing rules and norms.

A. Development of the Guiding Principles

6. In 1994, the Representative and a team of experts in international law embarked upon the preparation of a two-part compilation and analysis of legal norms. The first part of the compilation examined the relevant provisions of international law once people have been displaced (E/CN.4/1996/52/Add.2). It concluded that, while existing law covers many aspects of relevance to the situation of internally displaced persons, there nonetheless exist significant gaps and grey areas where the law fails to provide sufficient protection. Emphasizing the need for better implementation of the relevant norms, the compilation made recommendations for addressing the identified gaps and grey areas with a view to ensuring a more comprehensive normative framework for the protection and assistance of the internally displaced. The second part of the compilation examined the legal aspects relating to protection against arbitrary displacement (E/CN.4/1998/53/Add.1).

7. Following submission of the first part of the compilation to the Commission in 1996, and at the request of the Commission and on the basis of the compilation, the Representative and the legal team, which included experts from international agencies and organizations whose mandates were directly relevant to the needs of the displaced, began to develop a comprehensive normative framework of protection and assistance for the internally displaced in the form of guiding principles on internal displacement. The aim was not to create new law in the form of a treaty, but rather to restate existing international law which, while covering many aspects of relevance to internally displaced persons, was too dispersed and diffuse to be effective in ensuring protection and assistance to such persons. Throughout this process, the Representative kept the Commission and General Assembly informed of progress made and both encouraged him to continue his work in this area. Consultations were also held with representatives of United Nations agencies, regional intergovernmental organizations and non-governmental organizations (NGOs) involved with the internally displaced. A final meeting, hosted by the Government of Austria in Vienna in January 1998, widened the consultative process still further and included legal experts from the various geographic regions as well as representatives from a broad cross-section of relevant United Nations and other international agencies, regional organizations and NGOs.

8. The Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2), which consolidate the numerous norms relevant to the protection and assistance of internally displaced persons, were presented to the Commission on Human Rights in 1998. Since 1996, the Commission has consistently recognized that the protection of internally displaced persons would be, and has been, strengthened by identifying, reaffirming and consolidating specific rights for their protection, in particular through the development of the Guiding Principles. Reflecting and consistent with international human rights and humanitarian law, and with refugee law by analogy, the Principles set forth the rights and guarantees relevant to the protection of internally displaced persons in all phases of displacement, providing protection against arbitrary displacement; protection and assistance during displacement; and during return or resettlement and reintegration. The purpose of the Guiding Principles is to address the specific needs of internally displaced persons worldwide. To this end, the Principles provide guidance to all relevant actors: the Representative in carrying out his *mandate; States when*

faced with the phenomenon of internal displacement; all other authorities, groups and persons in their relations with internally displaced persons; and intergovernmental and non-governmental organizations.

9. Soon after their finalization, the Inter-Agency Standing Committee (IASC), composed of the heads of the major humanitarian, human rights and development agencies and organizations, at its meeting of 26 March 1998, adopted a decision welcoming the Guiding Principles and encouraging its members to share them with their executive boards and their staff, especially those in the field, and to apply them in their activities on behalf of internally displaced persons.

10. The following month, in resolution 1998/50, adopted without a vote and sponsored by 55 States, the Commission noted the progress made by the Representative in developing a legal framework, in particular the compilation and analysis of legal norms and the development of the Guiding Principles. It took note of the Guiding Principles, noted with interest the IASC decision, and also took note of the stated intention of the Representative to make use of the Principles in his dialogue with Governments and intergovernmental and non-governmental organizations and requested him to report on his efforts in this regard and the views expressed to him.

11. In resolutions adopted without a vote, the Commission and the General Assembly have subsequently welcomed the fact that the Representative has made use of the Guiding Principles in his dialogue with Governments and intergovernmental and non-governmental organizations and have requested him to continue his efforts in that regard. They have also welcomed the dissemination and application of the Principles by intergovernmental, regional and non-governmental organizations.

12. Just as the Representative has kept the Commission and the General Assembly informed of the progress in developing the normative framework, he has also reported at the Commission's previous two sessions on views expressed on the Guiding Principles by Governments and intergovernmental and non-governmental organizations, and on the efforts taken by them to promote, disseminate and apply the Guiding Principles (E/CN.4/1999/79, paras. 14-34, and E/CN.4/2000/83, paras. 7-35). Information on Subsequent developments is provided below.

B. Recent responses to the Principles

13. At the fifty-sixth session of the Commission on Human Rights, several States expressed their views on the Guiding Principles. The representative of Peru noted that, in the absence of specific legal and institutional regimes for the internally displaced, it had been necessary to develop the Guiding Principles for the purpose of providing practical guidance. Noting that the Guiding Principles are not legally binding, the representative of India also recognized, however, that they "could serve as useful guidelines for States when required". The representative of Cyprus stated his country's full support for the efforts of the Representative and the legal team in developing the Guiding Principles. The representative of the United States, emphasizing that the human rights of internally displaced persons must be thoroughly addressed by the United Nations and the international community, referred to the Guiding Principles as a major

contribution in this area. The representative of Austria noted that the Guiding Principles have gained broad international recognition and are being used by many Governments and international and regional organizations.

14. As in previous years, the United Nations Security Council also has provided a forum in which States have expressed their views on the need for a legal framework with respect to the internally displaced and the importance of the Guiding Principles in this regard. During the Council's "Month of Africa" in January 2000, and its consideration of the item on humanitarian assistance to refugees in Africa, the Council issued a Presidential Statement noting that United Nations agencies and regional and non-governmental organizations, in cooperation with host countries, are making use of the Guiding Principles, inter alia, in Africa (S/PRST/2000/1). During the debate on this item, a number of State delegations spoke on the internal displacement issue and the current lack of a legal framework. The representative of Bangladesh, while noting that the protection of displaced persons and the provision of assistance are the primary responsibility of the State concerned, acknowledged the efforts of the United Nations to formulate guidelines to assist the displaced and called for further focused attention in that regard. The representative of Namibia stated that, in view of the absence of an international legal framework guiding the protection of internally displaced persons in comparison to the situation for refugees, his country took account of the Guiding Principles (S/PV.4089).

15. Later that month, the Security Council adopted a resolution concerning the situation in Burundi (resolution 1286, (2000)), in which it noted that United Nations agencies, and regional and non-governmental organizations, in cooperation with host countries, were making use of the Guiding Principles, inter alia, in Africa.

16. In March 2000, in the Council's discussion on "maintaining peace and security: humanitarian aspects of issues before the Security Council", the representative of the United States, referring to the need for peacekeepers to know the fundamental facts in assessing human displacement, stated that peacekeepers must be educated on and familiar with both the 1951 Convention relating to the Status of Refugees and the Guiding Principles on Internal Displacement (S/PV. 4110).

17. In April 2000, when the Security Council returned to the issue of protection of civilians in armed conflict (which it had last considered in September 1999), a number of States expressed support for the Principles. The representative of the European Union, speaking also for Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Norway, Poland, Romania, Slovakia and Slovenia, spoke in support of the Secretary-General's recommendation in his report on the protection of civilians in armed conflict that the Security Council encourage States to follow the legal guidance provided by the Guiding Principles (S/1999/957, recommendation 7). The European Union encouraged the Council to contribute to an increased awareness among Member States of the importance of the Guiding Principles and to examine the role it could play with regard to the protection of internally displaced persons and in the dissemination of the Principles. The representative of the Republic of Korea, recognizing that primary responsibility for the protection of the internally displaced rested with the Governments concerned, supported the Secretary-General's recommendation for wider use of the Guiding Principles in the work of the United Nations. The representative of New Zealand, noting the absence of a legal framework specific to internally displaced persons,

stated that such persons were of course covered by international human rights law and that there was no excuse for States not to follow such international human rights principles and the legal guidance based on them as contained in the Guiding Principles (S/PV.4130). The representative of Egypt, noting that, as civilians, the internally displaced are protected by existing human rights law, stressed the importance of ensuring respect for the law, rather than inventing new norms specific to the internally displaced (S/PV.4130, resumption 1). This view would tend to underscore the original conceptualization of the Guiding Principles as not only a restatement of existing principles of human rights law, humanitarian law and analogous refugee law, but also a means of facilitating the implementation of existing law.

18. Views on the issue of internal displacement and the Guiding Principles were also expressed by States in the context of the Security Council's consideration, in July 2000, of the report of the Secretary-General on children and armed conflict. The report itself recommended that the Council call upon parties to armed conflict to adhere to the Guiding Principles (A/55/163-S/2000/712, recommendation 21). With regard to this recommendation, the representative of India noted that the Guiding Principles do not have intergovernmental approval and are not legally binding (S/PV.4176, resumption 1). It should be recalled in this connection that, while the Principles are not binding in and of themselves, they are based on binding international law and were developed in response to, and in close contact with, the Commission on Human Rights and the General Assembly. The representative of the European Union, speaking also on behalf of Bulgaria, Cyprus, the Czech Republic, Estonia, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey, referred to the special importance the European Union attaches to the needs and security of children displaced within their own countries and to assisting them, and recalled the importance of the Guiding Principles, especially as they relate to children (S/PV.4176).

19. The Executive Committee of UNHCR is another forum in which views on the Principles have been expressed. In his opening address to the fifty-first session of the Executive Committee, the United Nations Secretary-General noted the need for further thought in regard to internal displacement and in this respect commented on the development of "excellent Guiding Principles". The representative of Cuba drew attention to the importance of "continuing to scrupulously respect the Guiding Principles" and the criteria on which UNHCR can provide assistance and protection to internally displaced persons, notably on the basis of a request by the Secretary-General or a competent organ of the United Nations and with the consent of the State concerned. The representative of Azerbaijan noted that his was the first country to which the Representative undertook a mission following the formulation of the Principles. During that mission, the Representative's use of the Principles as the basis for his dialogue with the Government was well received. The Minister of Justice, for instance, had welcomed the Guiding Principles as a valuable reference for the incorporation of the rights of the internally displaced in national legislation (E/CN.4/1999/79, para. 22). The representative of the Office for the Coordination of Humanitarian Affairs (OCHA) referred to the importance of the internal displacement issue to the IASC, which OCHA chairs, and the efforts that had been undertaken by the IASC to promote the Guiding Principles, such as the publication in 1999 of the Handbook on Applying the Guiding Principles and the Manual on Field Practice in Internal Displacement, as well as the preparation of an inter-agency training material on internal displacement based on the Guiding Principles.

20. The Economic and Social Council considered the issue of internal displacement in the context of its Humanitarian Segment, convened in July 2000. It will be recalled, as did the Commission in resolutions 1999/47 and 2000/53, that in its agreed conclusions 1998/2 of its first Humanitarian Segment in 1998, the Council commended the efforts taken to promote a comprehensive strategy that focuses on prevention, as well as better protection, assistance and development for internally displaced persons and, in this regard, noted the progress achieved in developing a legal framework. The Council also referred to the Guiding Principles in its agreed conclusions 1998/1 on the issue of special economic, humanitarian and disaster relief assistance, noting the IASC decision relating to them. The following year, in its agreed conclusions 1999/1, it called on all States to apply internationally recognized norms with regard to internally displaced persons and also took note of the fact that the IASC is using the Guiding Principles.

21. In 2000, the Humanitarian Segment focused specific attention on the issue of internal displacement within the much broader theme of "strengthening the coordination of humanitarian response and the role of technology in mitigating the effects of natural disasters and other humanitarian emergencies, including conflicts, with particular reference to the related displacement of persons". The Secretary-General, in his report to the Economic and Social Council on strengthening of the coordination of emergency humanitarian assistance of the United Nations, noted that since the appointment of the Representative in 1992 substantive progress had been made in mobilizing international attention to the problems of the internally displaced and identifying their specific rights and needs. The Guiding Principles were cited as the result of these efforts and, based on existing principles of international law, were considered to offer important guidance. The Secretary-General noted that agencies had recognized them as a valuable instrument for strengthening the linkage between assistance and protection in all phases of displacement (A/55/82-E/2000/61, para. 131).

22. The Representative, in his statement to the Humanitarian Segment, drew attention not only to the increased and welcome emphasis on internal displacement in 2000, but also to the continuing need for the international community to collaborate so as to ensure that the pressing needs of the internally displaced are effectively and comprehensively addressed. The statement provided an opportunity to recall the inclusive and broad-based process through which the Principles were developed, their basis in existing international human rights and humanitarian law and refugee law by analogy, and to inform delegates of the ways in which the Principles were proving valuable to international organizations, NGOs, displaced communities and also to Governments.

23. As a sign of the increased and welcome emphasis on internal displacement, a panel discussion on the issue was convened during the Segment, moderated by the Emergency Relief Coordinator a.i. Participants included the Representative, the Executive Director of UNICEF, the United Nations High Commissioner for Refugees, the Director-General of the International Committee of the Red Cross (ICRC), and the United Nations Resident/Humanitarian Coordinators for Angola, the Democratic Republic of Congo and Georgia.

24. A number of government representatives attended the panel and shared their views on the issue of internally displaced persons. During the discussion, the Representative commented on remarks made in regard to the challenges to national sovereignty posed by increasing international protection for the internally displaced. In his view, sovereignty had increasingly

come to be viewed as a concept of the responsibility of a State towards the security and well-being of its population. His approach to Governments was based on respect for that concept of sovereignty. The Representative also underscored in his statement that in developing a normative framework for the internally displaced, he was responding to requests from the Commission and the General Assembly and that the results of his efforts had been regularly communicated to States within those forums.

25. In the informal discussions during the Humanitarian Segment, which did not produce any agreed conclusions, the representatives of several Governments expressed concern that the Principles had not been drafted or formally adopted by Governments. However, these same States, it was pointed out, had voted for the Commission and General Assembly resolutions encouraging the development of the Guiding Principles, recommending their wide dissemination and requesting the Representative to use them in his dialogue with Governments. Indeed, Governments from all regions have expressed support for the guidance contained in the Guiding Principles and emphasized their value to those working with the displaced.

26. During the fifty-fifth session of the General Assembly, attention to the Guiding Principles also arose in the context of the annual resolution on the Office of the United Nations High Commissioner for Refugees. It should be recalled that at its previous two sessions, the General Assembly had noted in this resolution the relevance of the Guiding Principles and reaffirmed its support for the role of UNHCR in providing assistance and protection to the internally displaced (resolutions 53/125, 54/146). At the fifty-fifth session, the representative of Egypt requested a vote on this particular paragraph: 139 States voted in favour of the paragraph; none voted against and 31 abstained. The resolution itself was adopted without a vote (resolution 55/74).

27. In response to these developments, the Representative has had meetings with a number of Governments, including the Government of Egypt, and in response to their concerns, intends to broaden and intensify, in the context of his missions and in bilateral or multilateral meetings, his consultations with States on the Guiding Principles and how best to apply them in support of internally displaced populations.

C. Promotion, dissemination and application of the Guiding Principles

28. Significant efforts to promote, disseminate and apply the Principles are being undertaken at the national, regional and international levels by Governments, national NGOs and regional and intergovernmental organizations.

1. National level

29. At the national level, a number of developments have taken place as concerns the promotion and application of the Principles since the last session of the Commission, in particular with regard to the standing of the Principles in national law and policy. In Colombia for example, the Constitutional Court has delivered two judgements which cite the Guiding Principles in support of actions in favour of the internally displaced.[1] In one of these judgements, the Court, while noting that the Guiding Principles do not constitute an international treaty, stated that they clarify the gaps and grey areas in existing international law and have been

widely accepted by international human rights organizations and should, therefore, be used as the parameters for the creation of rules and for the interpretation of Law 387 of 1997 regarding forced displacement. In addition, the Office of the President of Colombia cites the Principles as the inspiration for its integrated policy for internally displaced persons.[2] Subsequent to the Representative's follow-up mission to Colombia in 1999, the Ombudsman's Office included the Principles in its public awareness campaign about internal displacement, and the Red de Solidaridad Social, the government agency focusing on internal displacement, included the Principles in its book, Attention to the Population Displaced by the Armed Conflict. Furthermore, the Colombian Ministry of Health and the Pan American Health Organization (PAHO) have translated the Handbook for Applying the Guiding Principles into Spanish so as to promote its use in Colombia.

30. In another example, in Angola, the Guiding Principles formed the basis for minimum standards for the resettlement of internally displaced persons, developed by the Government in cooperation with United Nations agencies in the summer of 2000. In October 2000 these standards were adopted in a decree of the Council of Ministers, signed by President Dos Santos, as norms on the resettlement of internally displaced persons, a preambular paragraph of which states that the Guiding Principles establish general principles governing the treatment of internally displaced persons.

31. In Armenia, the Government has recently completed the translation of the Guiding Principles into Armenian, published them in booklet form and disseminated them to all relevant ministries and NGOs, as well as educational institutions.

32. Another initiative at the national level is the promotion of the Guiding Principles through national human rights institutions. The regional conference on internal displacement in Asia, convened in Bangkok in February 2000 (see below), proposed that national human rights institutions focus on the rights of the internally displaced, press for the observance of the Guiding Principles and promote specific steps to protect internally displaced persons. In August 2000, the Asia-Pacific Forum for National Human Rights Institutions expressed support for a greater role for these bodies with the internally displaced and is planning to convene a seminar to promote this.

33. A number of Governments continue to request or participate in training and other seminars on the Guiding Principles. Previous reports have referred to such seminars in Uganda and Colombia; in May 2000, representatives of the Governments of Armenia, Azerbaijan and Georgia participated in a regional workshop on internal displacement in the South Caucasus (see below). In addition, in August 2000, the Norwegian Refugee Council (NRC) held a training workshop on the Guiding Principles in Angola. Participants included representatives of the relevant government ministries, as well as of the military, and representatives of international organizations and international and national NGOs. A training workshop based around the Guiding Principles has also been undertaken in Angola by UNHCR. During the Representative's mission to Angola in November 2000, the Ministry of Social Assistance and Reintegration convened a half-day workshop to discuss the development of the above-mentioned norms on resettlement and other initiatives undertaken in Angola in support of the Guiding Principles. Participants included those government personnel who had participated in the NRC training workshop and in the separate UNHCR training initiative. Furthermore, as a follow-up to

the South Caucasus workshop in May, in November 2000, NRC held a training workshop on the Guiding Principles in Georgia. Participants came from local NGOs and authorities in the Kutaisi and Zugdidi regions of Georgia, where many displaced persons are located. Promoting the Guiding Principles among the authorities, agencies, NGOs and local communities, as well as providing support to local NGOs, especially in regions outside of the capital, were among the recommendations made by the Representative following his mission to Georgia in May (see Addendum 4, para. 130 (ii) and (xii)).

34. Further national-level workshops on the Guiding Principles are planned. At the request of the Government of the Sudan, a workshop on internal displacement and the Guiding Principles is to be convened in the spring of 2001, in conjunction with the Representative's forthcoming mission to the country. It will be co-sponsored by the Government, the United Nations Development Programme (UNDP) and the Brookings Institution Project on Internal Displacement. An additional workshop, also organized in conjunction with UNDP, will be held in southern Sudan. A seminar on internal displacement is also planned to coincide with the Representative's mission to Indonesia in 2001. The seminar is being co-sponsored by UNHCR, UNDP and the Brookings Project.

35. For NGOs, both national and international, the Guiding Principles remain an important vehicle for bringing about improved treatment for internally displaced persons and they are actively using them in several countries throughout the world to monitor, assess and advocate on behalf of the internally displaced. In Colombia, for example, national NGOs have widely disseminated the Guiding Principles, employ them as a benchmark against which to monitor and evaluate national policies and legislation, and use them to promote and strengthen dialogue with the Government on the rights of internally displaced persons. National NGOs in Armenia, Azerbaijan and Georgia, with the support of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe and the Brookings project, plan to review national legislation and administrative procedures in terms of the Guiding Principles. Others, such as NRC are, as noted, engaged in providing training on the Principles in various regions of the world. In Sri Lanka, the non-governmental Consortium of Humanitarian Agencies has produced a "Toolkit" to promote the dissemination and application of the Principles among government officials, non-State actors, international and national NGOs and international agencies working with the displaced in that country. And Save the Children (UK), in the context of an international campaign on protecting children internally displaced by armed conflict, references the Guiding Principles as making an important contribution to the protection of children and encourages their active promotion.[3]

36. To assist in the promotion, dissemination and application of the Guiding Principles at the national level, the Principles are being translated into an ever-increasing number of languages - a clear sign of their relevance in different parts of the world. These translations are being posted on the Web site of the Office of the High Commissioner for Human Rights (OHCHR) to facilitate dissemination. Initially made available in all the official languages of the United Nations (Arabic, Chinese, English, French, Russian and Spanish) for their submission to the Commission in 1998, the Principles have since been translated into a number of local languages relevant to particular situations of internal displacement: Armenian; Azerbaijani; Georgian; Burmese and Sgaw Karen (Myanmar); Dari and Pashtu (Afghanistan); Portuguese (Angola); and Sinhala and Tamil (Sri Lanka). Their translation into Abkhazian (Georgia),

Bahasa (Indonesia), Chin (Myanmar), Tagalog (Philippines) and Tetum (East Timor) is under way. These efforts to translate and publish the Principles have been undertaken at the initiative of a variety of actors - the United Nations and its agencies, international and local NGOs and Governments, often working in partnership. Support for additional such efforts may be available from OHCHR in the framework of technical cooperation projects. It should be noted that to further enhance the promotion and protection of the rights of internally displaced persons worldwide, OHCHR has included a project in the Annual Appeal for 2001, a key component of which is the translation and publication of the Guiding Principles into the local languages of a number of countries with problems of internal displacement.

2. Regional level

37. Regional organizations also continue to devote attention to the promotion and application of the Principles. In resolution 2000/53, the Commission noted with appreciation that regional organizations, as well as United Nations agencies and NGOs, are making use of the Guiding Principles in their work and encouraged the further dissemination and application of the Principles by these actors. In particular, the Commission welcomed initiatives undertaken by such regional organizations as the Organization of African Unity (OAU), the Organization of American States (OAS) and the Organization for Security and Co-operation in Europe (OSCE).

38. The General Assembly, in resolutions on assistance to refugees, returnees and displaced persons in Africa, has expressed grave concern at the plight of internally displaced persons in Africa and has called upon States to take concrete action to pre-empt internal displacement and to meet the protection and assistance needs of internally displaced persons, taking note in this regard of the Guiding Principles (General Assembly resolutions 54/147 and 55/77). The OAU, it will be recalled, took note of the Guiding Principles "with interest and appreciation" and co-sponsored a seminar on their use in Africa. The Organization participated in the International Colloquy on the Guiding Principles (see section D below), during which consideration was given to OAU efforts in disseminating and applying the Principles and to possibilities for future action, including playing a more active role in monitoring situations of internal displacement and in influencing Governments to address the problem.

39. The African Commission on Human and Peoples' Rights also participated in the International Colloquy. Its representative suggested that the Commission possessed significant potential for integrating the issue of internal displacement and the Guiding Principles systematically into its work, for example in the context of its fact-finding missions and in its general advocacy work and dialogue with Governments.

40. At the subregional level, a representative of the Economic Community of West African States (ECOWAS) also participated in the International Colloquy and expressed that organization's interest in the use of the Principles. In April, Ministers of ECOWAS States adopted a declaration at the Conference on War-Affected Children in West Africa, held in Ghana and co-hosted by the Governments of Ghana and Canada, which welcomed the Guiding Principles and called for their application by ECOWAS member States. This declaration is due to be adopted by the ECOWAS Heads of State in December 2000. As a follow-up to the Ghana conference, an International Conference on War-Affected Children was convened in Winnipeg, Canada, in September which brought together representatives of Governments, United Nations

agencies, international organizations, youth, researchers, civil society, NGOs and the private sector. The Framework for Commitment to War-Affected Children adopted by a meeting of experts at the Conference enumerated a number of commitments for Governments and other actors which were considered essential for the protection of children in armed conflict. These included adherence to the Guiding Principles with a view to preventing forced displacement and providing protection and assistance during displacement.

41. In the Americas, the Inter-American Commission on Human Rights of the OAS has welcomed and expressed its full support for the Guiding Principles, noting that they are the most comprehensive restatement of norms applicable to the internally displaced and, as such, provide authoritative guidance to the Commission on how the law should be interpreted and applied during all phases of displacement.[4] The Commission and its rapporteur on internally displaced persons have applied the Principles in their work, monitoring conditions in different countries in terms of the Principles. Their activities in this regard were outlined at the International Colloquy, in which a representative of the Commission participated and from which a number of suggestions emerged for future action on its part, such as the use of the Principles by its other special rapporteurs and systematic reference to displacement issues and the Guiding Principles in the Commission's annual report on human rights to the OAS.

42. The OSCE and its Office for Democratic Institutions and Human Rights (ODIHR), which have in the past disseminated the Principles to the participating States and OSCE field missions, have begun to focus increasingly on their application. In September 2000, ODIHR, in conjunction with the Government of Austria in its capacity as Chairperson-in-Office of the OSCE, convened a Supplementary Human Dimension Meeting on Migration and Internal Displacement, at which the Representative gave a keynote address. A principal goal of the seminar was to elaborate ways in which OSCE institutions, field operations and participating States could enhance their response to internal displacement, in particular through the practical application of the Guiding Principles. Among its recommendations, the meeting called for the integration of the issue into the activities of the OSCE, using the Guiding Principles as a framework for doing so. It also recommended that heads of field missions evaluate their operational activities according to the Principles, and that these also be used to monitor and review new and protracted situations of displacement.[5] At the eighth meeting of the OSCE Ministerial Council, in November 2000, the Chairperson-in-Office, in a closing statement, referred to the "serious concern" expressed at the meeting about the plight of refugees and internally displaced persons within the OSCE region and to the support expressed for the dissemination of the Guiding Principles within the OSCE and their further use in the relevant activities of the organization.[6]

43. Also at the European level, the Council of Europe, which also participated in the International Colloquy, has become increasingly engaged with the internal displacement issue, in particular through the activities of the Parliamentary Assembly and its Committee on Migration, Refugees and Demography, which have sought to address situations of internal displacement, for example, by undertaking fact-finding missions to displacement-affected countries and recommending respect for the Guiding Principles.[7] The Committee on Migration, Refugees and Demography invited the Representative to speak on the Principles at its meeting in October in Paris, where a statement was delivered on his behalf.

44. Another participant in the International Colloquy was the Commonwealth, which has in the past expressed its support for the efforts of the Representative to develop a normative framework for the internally displaced. The Commonwealth first focused attention on the issue of internally displaced persons through its Intergovernmental Group on Refugees and Displaced Persons, focusing in particular on the social needs of women and children and on the impact of displacement on developing countries. A number of suggestions were made at the Colloquy on how the organization could enhance its activities in regard to internal displacement and the Guiding Principles, for example by raising awareness of the Guiding Principles through workshops and conferences.

45. Dissemination and promotion of the Principles at regional and other seminars remains an important feature of the work of the mandate, for which the Commission has expressed its appreciation. The Commission encouraged the Representative to continue to initiate or support such seminars in consultation with regional, intergovernmental and non-governmental organizations and other relevant institutions (resolution 2000/53).

46. In February 2000, a regional conference on internal displacement in Asia was convened in Bangkok at the invitation of the Representative, and hosted by Forum Asia and the University of Chulalongkorn and sponsored by UNHCR, the Brookings Project, NRC and the U.S. Committee for Refugees. Participants came from 16 Asian and other countries and included representatives of national human rights commissions, academic and research institutions, local, regional and international NGOs, the media and international organizations. The purposes of the conference were to promote the dissemination and application in Asia of the Guiding Principles; to share information on the problem of internal displacement within the Asian region and identify effective practices for addressing it; and to promote more regular networking among organizations involved with internally displaced persons, more systematic documentation of the problems facing the displaced, and the development of monitoring systems.

47. Participants at the Bangkok conference welcomed the Guiding Principles, noted the positive contribution they could make in promoting protection and assistance, and urged their observance by all concerned parties - Governments, insurgent groups, humanitarian and development organizations, international financial institutions, multinational corporations and NGOs. To promote greater attention to dealing with internal displacement in Asia, participants put forward several proposals, among them a greater focus by national human rights commissions on the rights of internally displaced persons, including pressing for observance of the Guiding Principles and the introduction of the Guiding Principles into the Asia Pacific Forum for National Human Rights Institutions - which indeed occurred in August 2000 - to ensure that each national human rights institution becomes aware of the Principles. The conference proceedings are to be published by UNHCR in the Refugee Survey Quarterly.

48. As earlier mentioned, in May 2000, a regional workshop on internal displacement in the South Caucasus was convened in Tbilisi, Georgia, co-sponsored by OSCE/ODIHR, the Brookings Project and NRC, a report on which is presented as Addendum 2 to the present report. Attended by representatives of the Governments of Armenia, Azerbaijan and Georgia, the Representative, representatives of international organizations and national NGOs, and international experts, the workshop used the Guiding Principles as a basis for discussing

strategies for addressing situations of internal displacement in the region. Participants welcomed the Guiding Principles as a useful restatement of international law pertaining to the internally displaced, as well as an instrument providing clear guidance in cases where existing international law contains grey areas.

49. Following the workshop, ODIHR and the Brookings Project agreed to support a project to be undertaken by a group of local lawyers to review national legislation and administrative procedures in Armenia, Azerbaijan and Georgia on the basis of the Guiding Principles and then to assess the extent to which reforms might be needed in the laws and regulations to achieve compliance with international standards. At the Fifth Meeting of the Steering Group of the 1996 Regional Conference to Address the Problems of Refugees, Displaced Persons, other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States, in July 2000, a statement delivered on behalf of the Representative expressed the hope that Governments in the CIS region, as well as NGOs, would familiarize themselves with the Principles and review their own actions, national legislation and procedures on the basis of the Principles.

3. International level

50. The Commission has consistently emphasized the importance of integrating the internal displacement issue into the activities of the special procedures of the Commission and the human rights treaty bodies and for them to include relevant information and recommendations in their reports (resolutions 1994/68, 1995/57, 1996/52, 1997/39, 1998/50, 1999/47 and 2000/53). A number of the Commission's special procedures (country and thematic rapporteurs) have referred to the Guiding Principles in their reports, statements and also in the context of urgent appeals. The human rights treaty bodies for their part have become increasingly seized of both the internal displacement issue and the Guiding Principles. In particular, the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child have recommended that specific States parties to the relevant conventions give effect to the provisions contained in the Guiding Principles.

51. OHCHR continues to be engaged in the promotion, dissemination and application of the Guiding Principles. The High Commissioner for Human Rights uses the Principles in her advocacy efforts in regard to specific country situations. For instance, in a press release of 17 January 2000, the High Commissioner condemned the forced relocation of the population in certain provinces in Burundi to camps where they lacked adequate shelter, access to food and water, health care and education, noting this measure as contrary to the relevant principles of international law, as restated in the Guiding Principles (HR/00/4). The High Commissioner has also referred to the Guiding Principles in relation to specific thematic concerns regarding the internally displaced. For example, in her statement to an international consultation on mental health of refugees and displaced populations in conflict and post-conflict situations, convened by the World Health Organization (WHO) in October 2000, the High Commissioner, noting that international attention to the right to mental health of refugees and displaced persons needs to be developed further, referred to the Guiding Principles as a landmark in the international community's approach to this problem. In particular, the High Commissioner acknowledged the emphasis in the Principles on access for internally displaced persons to psychological and social services and on counselling for victims of sexual and other abuses. Reinforcing this point, a

statement was delivered on behalf of the Representative which called for the integration of the Guiding Principles into the tools to be established by the consultation for monitoring and rapid assessment of the mental health needs of the displaced. WHO has committed itself to follow through on this suggestion.

52. In addition to their use by the High Commissioner, the Principles have been disseminated to and are beginning to be applied by United Nations human rights field presences, almost all of which are in countries affected by the problem of internal displacement. Further such efforts are required.

53. As noted above, to further enhance the promotion and protection of the rights of internally displaced persons worldwide, OHCHR has included a project in the Annual Appeal for 2001, a key component of which is the translation and publication of the Guiding Principles into local languages in countries with problems of internal displacement. Though modest in financial requirements (US$ 50,000), the project stands to make an important contribution to further promotion, dissemination and application of the Guiding Principles.

D. Future steps in promoting the implementation of the Guiding Principles

54. Additional initiatives to promote the use of the Principles were discussed at an International Colloquy on the Guiding Principles on Internal Displacement, jointly convened by the Representative and the Government of Austria in Vienna, from 21 to 23 September 2000, and organized by the Brookings Project. The principal objectives of the Colloquy were to review and evaluate how the Guiding Principles have been received at the international, regional and national levels since their submission to the Commission in 1998 and to explore how best to further promote their implementation in situations of internal displacement. The 50 participants came from different geographic regions and represented a broad cross-section of international organizations, regional and subregional organizations, national human rights commissions, local and international NGOs, and research and academic institutions.

55. A major focus of the Colloquy was on the integration of the Principles into the work of existing actors, in particular the United Nations human rights treaty bodies and the special procedures of the Commission. With regard to the treaty bodies, it was recommended that they could make effective use of the work of the Representative in two main ways: in their review of States parties' reports on their compliance with the treaties, which could be facilitated by presentations before the treaty bodies by the Representative or his staff; and in drafting general comments on specific treaty provisions which detail more precisely the nature of States parties' obligations. The issue could also be integrated into the work of the treaty bodies that receive individual complaints.

56. As concerns the special procedures of the Commission, with respect to the country rapporteurs, it was pointed out that most of the countries for which a rapporteur had been appointed face serious problems of displacement. The Guiding Principles could provide the country rapporteurs with a useful yardstick against which to assess and report on the situation of the internally displaced in their overall examination of the human rights situation in the country. In so doing, country rapporteurs were encouraged to consider the role and responsibility not only of States, but also of non-State actors, such as insurgent groups and the corporate sector.

57. The issue of internal displacement was seen as relevant to the work of most of the thematic rapporteurs. While a number of them have begun to cover issues of internal displacement and, in some cases, to make use of the Guiding Principles, it was noted that they too could do so more systematically, not only in their reports but also in their urgent appeals, in their statements and press releases, and in their contacts with Governments, civil society and internally displaced persons.

58. Several additional measures were suggested for integrating the Principles into the work of country and thematic rapporteurs, including convening a "brainstorming" session on the occasion of their next annual meeting to discuss strategies for applying the Guiding Principles in their work; incorporating a chapter on internally displaced persons in the manual for special rapporteurs; ensuring awareness of the Guiding Principles among OHCHR staff who service the mandates of the country and thematic rapporteurs (as well as the treaty bodies); and encouraging the country and thematic rapporteurs and their staff to make suggestions for technical cooperation projects between Governments and OHCHR to address the needs of internally displaced persons.

59. It was suggested that OHCHR incorporate the Principles and projects to protect the rights of the displaced in technical cooperation programmes, as indeed requested consistently by the Commission since 1996 (resolution 1996/52). The Principles could also be integrated systematically into the work of field presences and fact-finding missions, and into human rights training for peacekeepers. Finally, OHCHR could encourage inclusion of the issue of internal displacement into relevant international forums, such as the new permanent forum on indigenous peoples and the World Conference against Racism. The proposed OHCHR project on internally displaced persons aims to implement a number of these recommendations.

60. In addition to the integration of the Guiding Principles into the work of the United Nations human rights system, an important role has been and could further be played by international humanitarian and development organizations, in particular within the IASC, which has affirmed in a number of documents that the Guiding Principles are fundamental to a comprehensive response to internal displacement. Members of the IASC informed the Colloquy about the efforts their agencies and organizations have undertaken with regard to disseminating, promoting and applying the Guiding Principles, and several participants suggested the need for still greater integration of the Principles into their work. Training and discussion on how to introduce the internal displacement issue and the Guiding Principles at the field level in specific contexts was considered to be particularly helpful in this regard. The training material, based on the Guiding Principles, being developed by the IASC under the direction of NRC and UNICEF, should help staff translate the Principles into programmatic activities, as should the Handbook for Applying the Guiding Principles, the Manual on Field Practice, and the recently published Annotations explaining the legal provisions upon which specific Principles are based.[8] It was further suggested that there should be closer discussions between the Representative and the agencies at headquarters level on their integration of the Guiding Principles in specific country situations.

61. In summary, the Guiding Principles have clearly come to constitute an important advocacy tool for international organizations and NGOs in their work on behalf of the displaced.

Governments also are finding the Guiding Principles a useful guide for the development of laws on internal displacement and as a yardstick for measuring conditions in their countries. The Principles were developed with the express purpose of filling a gap: to meet the urgent need for a single document which restates existing international law pertaining to the rights of internally displaced persons and the obligations of Governments and insurgent groups towards these populations, and which provides practical guidance for the work of the Representative, international agencies and organizations and NGOs in the field. As outlined in this and the Representative's previous reports to the Commission, the Principles have been largely successful in meeting this objective. At the same time, with the broad dissemination and application of the Principles, some Governments have expressed renewed interest in the process through which the Guiding Principles were developed. As indicated above, and consistent with the central role of dialogue in the implementation of the mandate, the Representative intends to broaden ongoing consultations with States in order to explore their concerns and how best to apply the Principles in support of internally displaced persons.

II. TOWARDS AN EFFECTIVE INSTITUTIONAL FRAMEWORK

62. Much of the discussion within the United Nations this past year regarding internal displacement has centred on the issue of institutional arrangements at the international level. Making suggestions and recommendations on the institutional aspects of the international response for providing protection and assistance to internally displaced persons has been a key component of the work of the mandate since its inception, and thus one on which the Representative has reported regularly.

63. Among the various options originally presented by the Representative were the creation of a special agency for the internally displaced, the designation of an existing agency to assume full responsibility for the internally displaced, and collaboration among the various relevant agencies. This last option has been the one in place for several years now.

64. In practice, however, it has not proven adequate, especially in the area of protection of physical safety and human rights. A large part of the problem has been the absence of a clear allocation of responsibility and, consequently, response. The Secretary-General, in his 1997 Programme for Reform of the United Nations, noted that providing protection and assistance to internally displaced persons is a humanitarian issue that continues to fall into the gap between the existing mandates of the various agencies. Accountability and predictability consequently have been weak and the international response ad hoc. Though important steps were taken in accordance with the Programme for Reform to close this gap - the designation of the Emergency Relief Coordinator as the focal point for coordinating the international response to the assistance and protection needs of internally displaced persons, the designation of focal points on internally displaced persons in many of the relevant agencies and NGOs, and more regular discussion of issues of internal displacement in the IASC - the response to specific situations of internal displacement has remained ad hoc and still largely focused on assistance. The Security Council, in an aforementioned Presidential Statement in January 2000 on refugees in Africa, expressed grave concern that alarmingly high numbers of internally displaced persons do not receive sufficient protection and assistance, and noted the absence of a comprehensive protection regime for internally displaced persons.

65. In the light of these serious shortcomings, the suggestion of designating one agency to assume responsibility for the internally displaced resurfaced again in 2000. In the current system of diffusion of responsibility among various agencies, it was argued, accountability was lost and leadership lacking. The international response to one of the world's most serious situations of internal displacement - Angola - was cited as an example of a system that was failing the internally displaced.

66. In the end, the IASC response was to reaffirm the conventional wisdom of coordination but, significantly, also to acknowledge that it needed significant improvement in order to effectively respond to the protection and assistance needs of the internally displaced. The Commission, at its last session, underlined the need for IASC agencies and organizations to strengthen their capacities and policies in addressing internal displacement, and urged stronger collaborative arrangements both at headquarters and in the field in order to close the remaining gaps relating to protection, assistance and solutions for internally displaced persons. It stressed the need to do so in particular so that inter-agency arrangements for internally displaced persons are predictable, characterized by accountability within the United Nations system, universal in their application and equipped to meet the immense humanitarian challenge presented by the global crisis of internal displacement. To these ends, a Senior Inter-Agency Network on Internal Displacement has been established (see below) and the IASC has recognized the importance of clarifying responsibilities, formulating comprehensive strategies for each country situation, and building capacity, especially in protection. The IASC has also put into place a mechanism for reviewing the realization of an effective and comprehensive response to internal displacement at field level and recommending further measures that are required.

A. Clarifying responsibilities

67. The need to clarify responsibilities for the internally displaced was acknowledged and addressed by the preparation (with the active involvement of the office of the Representative) and adoption by the IASC principals (including the Representative) of a document in April 2000 entitled "Supplementary guidance to Humanitarian/Resident Coordinators on their responsibilities in relation to internally displaced persons". The document takes as its starting point that "[i]n order to make sure that the UN's involvement is adequate and effective, mechanisms of co-ordination must be established which guarantee a comprehensive response and provide clear lines of responsibility and accountability".

68. Effectively, the supplementary guidance document simply restates and consolidates earlier policy guidelines, recalling the different levels of international responsibility for internally displaced persons. At headquarters' level, the Emergency Relief Coordinator, as Chair of the IASC and focal point for inter-agency coordination of protection of and assistance to internally displaced persons, is responsible for global advocacy on protection and assistance, resource mobilization, global information on internally displaced persons and ensuring that field arrangements are adequately supported. The Emergency Relief Coordinator is expected to bring situations of internal displacement requiring a coordinated response to the attention of the IASC, which is the forum for inter-agency consultations on internal displacement. The IASC Working Group is to review country arrangements and is to monitor the follow-up to field visits by the Emergency Relief Coordinator, inter-agency teams and the Representative, who is a member of the IASC and whose role as an advocate on behalf of internally displaced persons and in making

recommendations for improved response is recognized in the supplementary guidance document and detailed in the annex to the IASC policy paper on the protection of internally displaced persons. The Emergency Relief Coordinator, in consultation with the IASC, is responsible for ensuring that satisfactory mechanisms have been established at field level for the effective coordination of the international response to situations of internal displacement.

69. At field level, there remain three possible options. In countries affected by internal displacement the United Nations Resident Coordinator is the responsible official. In situations of internal displacement defined as complex emergencies a humanitarian coordinator is normally designated by the Emergency Relief Coordinator, in consultation with the IASC, as the responsible and accountable official, whether or not he/she is also serving as the Resident Coordinator. In countries where the Secretary-General has designated an overall lead agency for humanitarian action, the representative or country director of the lead agency is normally the responsible official.

70. As the supplementary guidance document sets out, the humanitarian/resident coordinator or the country director of the lead agency is responsible for the strategic coordination of the United Nations response to the needs of internally displaced persons. The humanitarian/resident coordinator is to recommend, in consultation with the United Nations country team and other relevant partners, to the Emergency Relief Coordinator an allocation of responsibilities for the protection and assistance to internally displaced persons and for ensuring that gaps in the response to their needs are systematically addressed. In addressing such gaps and in developing the country team's response, they may encourage the formulation of memoranda of understanding or other institutional agreements between key partners (governmental and non-governmental and international organizations) in order to clarify roles and responsibilities. They may also call upon the Emergency Relief Coordinator and the IASC to make available expertise in the form of specialized inter-agency missions, training programmes and temporary reinforcement of personnel and equipment.

71. The humanitarian/resident coordinators or country directors of a designated lead agency also have responsibilities in the area of advocacy. First and foremost, they are to engage in dialogue with national and local authorities, in particular to impress upon them their primary responsibility for the protection and assistance of internally displaced persons in conformity with international human rights and humanitarian law, as elaborated in the Guiding Principles on Internal Displacement. Furthermore, they are to assess the authorities' capacity for fulfilling this responsibility and to suggest ways in which the United Nations system can help to strengthen the national and local capacity to provide protection and promote durable solutions. They are also encouraged to suggest to the Government and local authorities the appointment of a focal point on internal displacement, to serve as a counterpart for the international community. Moreover, advocacy for unimpeded humanitarian access to affected populations is considered to be of particular relevance in situations of internal displacement. When appropriate, they may also call upon the Emergency Relief Coordinator and the IASC to bring concerns regarding the situation of internally displaced persons and other war-affected communities to the attention of the Security Council.

72. In support of the Representative's advocacy role, the humanitarian/resident coordinators or country directors of a designated lead agency are also expected to advise on possibilities for

the Representative to engage in dialogue with the authorities and with the international community in support of the protection and assistance of internally displaced persons. These possibilities include the Representative undertaking missions, at the request of the Emergency Relief Coordinator or IASC and outside of the mandate's regularly scheduled activities and missions, to engage in advocacy on behalf of the international community, as was done in the case of Burundi this year (see below, section III). Initiatives other than missions may also be suggested. For instance, in September 2000, the Representative was contacted by UNHCR, in its capacity as having lead responsibility for internally displaced persons in Colombia, together with the OHCHR field office in Bogotá, with a request to write to the authorities to urge action to prevent a situation of forced return of internally displaced persons to unsafe conditions, reinforcing the country team's efforts on this matter. The humanitarian/resident coordinators can also collaborate with the mandate in co-sponsoring country and regional seminars on internal displacement and the Guiding Principles, for instance as is being done in the Sudan and Indonesia. In December 2000, the Representative had the opportunity to discuss such collaboration with humanitarian/resident coordinators at their annual retreat, of which the theme was "Defining roles and responsibility in field coordination".

73. As the supplementary guidance document restates long-standing responsibilities, its main value lies in recalling and hignlighting these responsibilities and in placing emphasis on accountability for their effective fulfilment. Accordingly, implementation of the guidance will need to be closely monitored.

B. Ensuring a comprehensive response

74. In discharging their responsibilities on internal displacement, the humanitarian/resident coordinator or the country director of the designated lead agency is responsible for overseeing the development of a comprehensive plan for responding to the assistance and protection needs of internally displaced persons. The plan is to take into account the role of the Government and the local authorities. It is also to reflect the protection role and mandate of organizations with special expertise in protection. Moreover, it is to address the specific needs of vulnerable groups within the internally displaced population, such as women heads-of-household, children, the elderly and the disabled.

75. This plan is to serve as the basis for the components concerning internally displaced persons in the Consolidated Appeal and its Common Humanitarian Action Plan. The Consolidated Appeal Process (CAP) is the mechanism through which the United Nations and its humanitarian partners work together to develop, carry out and, as warranted, revise a plan for addressing humanitarian crises in particular countries. Initially employed solely as a means of raising funds rapidly to respond to emergency situations, the CAP has evolved over the years to become a coordination tool for the United Nations system, an expression of common humanitarian strategy and a consolidated platform for fund-raising. The combination of these three elements is designed to achieve a more efficient and effective response. Moreover, in the words of one donor country, the CAP also "must serve as a benchmark against which an operation's effectiveness can be monitored and evaluated."[9]

76. Certainly, the CAP is an important tool for more effectively responding to the needs of internally displaced populations in complex humanitarian emergencies. In fact, persons

displaced by conflict constitute the overwhelming majority - 90 per cent - of populations covered by the CAP. More important than the number of internally displaced covered by the CAP, however, is the extent to which the CAP addresses their needs. The IASC, in its policy paper on the protection of internally displaced persons, has stressed the importance of ensuring that the needs of the internally displaced, particularly in the area of protection, are systematically taken into account in resource mobilization.

77. To assist the IASC in doing so, this year the Representative commissioned, with the support of UNICEF and the Brookings Project, a study on the extent to which consolidated appeals for the year 2000 supported internally displaced populations.[10] It was encouraging to learn from the findings of this study that most of the appeals acknowledged the special vulnerabilities and needs of the internally displaced and that many individual project activities took these into account. At the same time, the study found that there remains considerable scope in appeal documents to enhance the analysis and response to internal displacement, particularly with regard to protection, and made a series of recommendations to this end. Among the recommendations were for appeal documents to include strategies and programmes to prevent or prepare for internal displacement, to devote more analysis to projects necessary to facilitate return or resettlement and reintegration, to outline the United Nations country team monitoring, advocacy and management responsibilities for internally displaced persons, and to develop projects seeking to build local and national protection capacity. The IASC Working Group, to which the report was presented, welcomed the report and recommended that its recommendations be immediately made available to country offices engaged in preparing appeals for 2001.

78. The 2001 appeals were launched at the end of November in a number of cities around the world. The Representative gave the keynote address at the CAP launch in Oslo, where the appeals for Afghanistan and Sudan were highlighted. With the exception of Tanzania, all of the 19 humanitarian crises covered by appeals for 2001 are situations of internal displacement. A preliminary analysis of the 2001 appeal documents points to measurable progress made in the attention given to internal displacement. Still greater attention needs to be paid, however, to providing guidance to country teams on how to approach the critical issue of protection for internally displaced persons and other populations at risk.

79. Moreover, while continuing to work towards better integration of the issue of internal displacement into the CAP, it is also important to bear in mind that internal displacement does not only take place in "complex emergencies", which are covered by the CAP. Situations of internal displacement occur which are not recognized as "complex emergencies" for a variety of reasons, as well as situations which are not recognized by the international community as problems or where access is barred. Also, protracted situations of internal displacement may persist long after the emergency phase of a humanitarian situation. Attention and resources must also be devoted to addressing the protection and assistance needs of internally displaced persons in these situations.

C. Protection: from policy to practice

80. It is now widely recognized that protection, together with assistance and solutions, is essential to an effective response to humanitarian crises. Even so, protection remains an

ill-addressed component of a comprehensive response to the plight of internally displaced persons. Part of the problem, the Representative had been told, was a lack of conceptual clarity as to the meaning of protection. Accordingly, the Representative, together with the High Commissioner for Human Rights and the Emergency Relief Coordinator, set out to clarify the meaning of protection for internally displaced persons. A joint paper prepared by their offices and presented to the IASC Working Group subsequently became the basis for an IASC-wide policy paper on the issue, which was explained in some detail in the Representative's report to the Commission in 2000.

81. The policy paper continues to be a core document for the IASC in its response to internal displacement and an important basis for strategy development. The challenge, however, is now one of giving practical effect to the various strategic areas of protection activity that the paper outlines. In last year's report, it was suggested that the country-by-country review of the effectiveness of international coordination arrangements on internal displacement to be undertaken by OCHA would make a valuable contribution to this end. This assessment remains all the more true now that the programme of country reviews of the effectiveness of international coordination arrangements on internal displacement has assumed greater prominence with the establishment of the Senior Inter-Agency Network on Internal Displacement.

82. Further to its decision to reaffirm the collaborative approach which, it recognized, required considerable strengthening, the IASC established the Network in September 2000 to carry out reviews of selected countries with internally displaced populations and to make proposals for an improved inter-agency response to their needs. The Secretary-General referring to the establishment of the Network, noted that the problem of internal displacement "still demands more thought and, above all, more effective action ... with more rapid and reliable coordination".[11]

83. The objectives of the Network's country reviews are twofold. First, to assess, with the United Nations country team, current efforts to provide protection and assistance to internally displaced populations and to identify any areas where the current response may not be adequate, what is required to address such gaps and by whom. Second, to provide a basis for making longer-term recommendations for follow-up arrangements, as well as proposals for revised inter-agency approaches to internal displacement in order to strengthen future response. The Guiding Principles, which are considered by the IASC as fundamental to a comprehensive response to the protection and assistance needs of internally displaced persons in all phases of displacement, are to provide an important frame of reference for the review process.

84. The Network is headed by the Special Coordinator on Internal Displacement, Dennis McNamara, and comprised of senior focal points from participating members and standing invitees of the IASC. According to the Network's terms of reference, the Representative, in view of his global advocacy function and expertise, has a special role within the Network and the Special Coordinator is to seek his advice with regard to all activities of the Network and to closely liase with him. The office of the Representative is a member of the Network and participates actively in its work.

85. The Network is to conclude its work within eight to nine months, that is in May or June 2001. Already by March, the Special Coordinator is to recommend to the Emergency

Relief Coordinator appropriate provisions for ensuring follow-up to the review process, including longer-term initiatives with regard to training and capacity-building, arrangements for inter-agency coordination and the development of inter-agency policies on issues relating to internal displacement.

86. The process of country reviews is under way. The Network undertook inter-agency missions to Ethiopia and Eritrea in October 2000 and to Burundi in December. At the time of submitting this report the possibilities for missions to Colombia, Indonesia or Sri Lanka, Angola and the Sudan were being pursued. The office of the Representative plans to participate in a number of the Network missions in 2001, in addition to undertaking its own country missions under the mandate, as outlined in the following section.

III. COUNTRY MISSIONS

87. Country missions continue to constitute a key component of the work of the mandate. Undertaking such missions provides an opportunity to study the situation of the internally displaced, to assess the effectiveness of national and international response in addressing their protection, assistance and development needs and, most importantly, to engage in solutions-oriented dialogue with the authorities and other actors. The missions also provide an opportunity for the Representative to discuss the Guiding Principles with Governments, intergovernmental organizations and NGOs - something which both the Commission and the General Assembly have welcomed and encouraged.

88. Over the course of the mandate's history, the Representative has undertaken 19 country visits to Angola, Armenia, Azerbaijan, Burundi (twice), Colombia (twice), East Timor, El Salvador, Georgia, Mozambique, Peru, Rwanda, the Russian Federation, Somalia, Sri Lanka, the Sudan, Tajikistan and the former Yugoslavia. Indeed, as was the intention, the programme of country visits has intensified this past year, with five country visits, to Burundi, East Timor, Georgia, Armenia and Angola. As a result of space constraints and in the light of the fact that detailed reports on these missions are also before the Commission, they are only briefly described below, in chronological order.

89. In early February 2000, the Representative visited Burundi for a second time in connection with the mandate. This mission was undertaken at the request of the Executive Committee for Humanitarian Affairs (ECHA) and with the support of the Emergency Relief Coordinator and the IASC for the purpose of sustaining international advocacy on the issue of forced relocation, known in Burundi as regroupement. Measures of forced relocation, initially employed in 1997 and about which the Representative had earlier raised his concern, were reintroduced by the Government in September 1999 and resulted in more than 380,000 persons, primarily ethnic Hutu civilians, being forcibly relocated to camps where they lacked adequate physical security and humanitarian assistance, and also faced serious restrictions on freedom of movement, access to land and access to education. The IASC, in a statement of 19 January 2000, which was endorsed by the Secretary-General in his statement to the Security Council at its special meeting on Burundi the same day and in a subsequent po'icy paper took the position that forced relocation in Burundi contravened international human rights and international humanitarian law and as such was also inconsistent with the Guiding Principles

on Internal Displacement. On the basis of this position, the Representative was requested by the IASC to engage the Government in dialogue on the issue of humane solutions for the affected population. As the mission report (Addendum 1) sets out, this dialogue proved most constructive in contributing to an accelerated implementation of the Government's announced intention to dismantle the camps and in facilitating international cooperation in providing humanitarian assistance to the affected populations. In December 2000, however, concerns about the manner in which the dismantling process was being carried out and the conditions of the more than 300,000 internally displaced persons remaining in regroupement camps, as well as the residual internally displaced population uprooted by conflict in 1993/1994, call for continued international attention, advocacy and enhanced protection and assistance. The mission to Burundi by the Senior Inter-Agency Network on Internal Displacement, which was taking place at the time of submission of this report, provided an important opportunity to address these concerns and to follow up on the findings and recommendations of the Representative's mission.

90. Towards the end of February and into early March 2000, the Representative undertook a mission to East Timor. This mission was undertaken pursuant to resolution S-4/1 adopted by the Commission at its special session on the situation in East Timor. The nature of the displacement crisis in East Timor required further study as to its causes and it raised important conceptual issues concerning categories of displaced persons (internally displaced persons and refugees) and the consequent international response. Though, at the time of the mission, most of the internally displaced persons had returned, serious concerns remained, especially regarding: safety in areas of return; the establishment of law and order, the investigation and prosecution of the violations of human rights and international humanitarian law and crimes against humanity which had characterized the displacement; the reconstruction and restitution of property; access to education; and support for efforts at reconciliation. Moreover, the situation of some 110,000 refugees remaining in West Timor continued to be of grave concern, especially owing to the lack of safe humanitarian access to them. Most worryingly, many of the concerns detailed in the mission report (E/CN.4/2000/83/Add.3) remain relevant today. The need for greater protection for United Nations staff was, in particular, underscored by the brutal killings of three UNHCR staff in September while they were trying to assist and protect East Timorese refugees in West Timor.

91. In May 2000, the Representative was pleased to accept the invitation of the Government of Georgia to undertake an official mission to that country. In Georgia, some 280,000 persons remain internally displaced after upwards of nine years, as a result of internal armed conflicts in the regions of Abkhazia and South Ossetia. In such protracted situations of internal displacement, the challenge is one of effecting a timely and humane transition from emergency relief to development in order to enable displaced persons to resume productive lives and enjoy their full rights as citizens, all the while continuing to reaffirm their right to return home, should they so desire, when the requisite conditions of safety and dignity materialize. In Georgia, there is the added problem of a perception, particularly in the international community, of the internally displaced as a privileged group within the general population, which also is suffering considerable hardship. The findings of the mission, set out in Addendum 4 to the present report, unequivocally challenge this view, pointing to a number of areas where greater attention to the particular vulnerabilities and needs of the internally displaced is required of the Government and the international community.

92. The mission to Georgia was followed immediately by one to Armenia, where the problem of internal displacement is considerably smaller in magnitude and much less prominent. The objectives of the mission were to study and document the problem of internal displacement, to seek to understand why it has received so little attention to date, to determine through solutions-oriented dialogue with the Government and representatives of the international community and civil society appropriate solutions for responding to the current needs of the internally displaced, and to understand the problem of internal displacement in Armenia in its subregional context. The findings of the mission regarding these four objectives, along with recommendations to the Government and the international community, are set out in Addendum 3. Of particular importance is the need for the Government and the international community in Armenia to recognize internal displacement as a factor of vulnerability - something which has not been done in the past and which explains the lack of specific attention to the particular needs of the internally displaced in Armenia.

93. Finally, in November 2000, the Representative undertook an official mission to Angola, where, in contrast to Armenia, the issue of internal displacement has received significant attention, at least this past year. The Representative's mission followed other international visits to the country in 2000 during which issues of internal displacement were examined, in particular the visit of the United States Ambassador to the United Nations, Richard Holbrooke, and the subsequent inter-agency mission in March 2000, led by the Emergency Relief Coordinator a.i. Both of these visits focused attention on the plight of the internally displaced and raised serious concerns as to the extent to which their protection and assistance needs were being met by the Government and the international community. The Representative's visit provided an opportunity to assess the extent to which gaps in response remained and to recommend ways in which these could be filled. While noting that important steps had been taken to improve the national and international response, the Representative found that serious needs remain to be met, particularly regarding human rights protection for the internally displaced. Recommendations for addressing this and other concerns noted during the mission are contained in the mission report, which is before the Commission as Addendum 5 to the present report.

94. It is to be hoped that the recommendations emanating from these five country missions of the Representative will be given due regard by the Governments concerned and by the international community, and will be implemented without delay. The Commission has stressed the importance of appropriate follow-up to the recommendations of the Representative by Governments, as well as by the relevant parts of the United Nations system in the IASC, including at the country level. As noted above, the resident/humanitarian coordinators have a particular responsibility for ensuring that the recommendations of the Representative's missions are duly considered by the country team and for providing updated information on their implementation. In a model example of this, the resident/humanitarian coordinator in Azerbaijan has regularly kept the Representative updated on developments in the implementation of the recommendations emanating from the Representative's mission in 1998 to that country (E/CN.4/1999/79/Add.1), where progress has been made in effecting the transition from relief to development and in working to improve the living conditions of the internally displaced.

95. The Representative, for his part, would plan to undertake in the next phase of his mandate a systematic review of the recommendations of all of the country missions undertaken by the mandate, reporting to the Commission thereon.

96. Looking ahead, plans are under way for a number of country visits in 2001. In March, a mission will be undertaken to the Sudan, which is the country with, by far, the greatest number of internally displaced persons. As noted above, at the request of the Government, a workshop on internal displacement in the Sudan will be convened in conjunction with the mission, co-sponsored by UNDP and the Brookings Project. The workshop, which will bring together government officials, United Nations agencies, NGOs, civil society and representatives of the diplomatic community, will provide the opportunity for dialogue on the situation of internal displacement with the various actors. As noted earlier, a similar workshop will also be held in the southern Sudan, in Rumbek, also in collaboration with UNDP.

97. The Representative has received an invitation from the Government of Indonesia to undertake a mission to that country, which is beset with a number of separate internal displacement crises that have uprooted more than 800,000 persons. As in the Sudan, the Representative will combine the mission with his participation in a seminar on internal displacement, to be held in Jakarta in May or June 2001, to which government officials, international organizations and NGOs will be invited. The seminar, which is being co-sponsored by UNHCR and UNDP, together with the Brookings Project and possibly other organizations at the national level, is intended to provide the opportunity to raise awareness of the issue of internal displacement and promote solutions-oriented dialogue among partners on the ground.

98. The Representative has also accepted invitations from the Governments of the Philippines and Turkey to undertake missions to those countries and plans to do so in the course of 2001.

99. In addition, over the past year the Representative has engaged in dialogue with the authorities of the Russian Federation and of Mexico on the possibility of undertaking missions to these countries and hopes that positive replies will be forthcoming. In the case of the Russian Federation, the Representative's request to the authorities to undertake a second mission to the country, this time specifically to Chechnya, and initiation of dialogue with the authorities on the issue was followed by the Commission adopting a resolution calling on a number of its special procedures, including the Representative, to undertake missions to Chechnya. The Commission, at its special session on the situation in the Middle East, also called upon a number of special procedures mandates, including the Representative, to undertake missions to the Occupied Territories.

IV. EXPLORING NEW ISSUES

100. As indicated in last year's report, although the major task of studying the global crisis of internal displacement and existing legal and institutional frameworks for addressing it is largely complete, there nonetheless remain issues on which additional research and consideration are required.

101. One such issue concerns the problem of how to address the protection and assistance needs of the large proportion of internally displaced persons who live in areas not under government control and who are subject to the actions of armed groups - or non-State actors. Humanitarian access to displaced populations in these areas is often limited, if not impossible, leaving the displaced particularly vulnerable to the depravities of war and to human rights abuses

and violations of humanitarian law. The IASC, in its policy paper on protection for internally displaced persons and also in its supplementary guidance to resident/humanitarian coordinators, has recognized the importance of engaging with non-State actors. A research initiative of the Brookings Project is studying the conditions of internally displaced populations in areas controlled by non-State actors and restrictions on access to the displaced. In conjunction with this study, the Representative plans to develop strategies for dealing with non-State actors and promoting application of the Guiding Principles (which apply not only to States but also to non-State actors) in areas controlled or affected by these actors.

102. A second issue to which reference was made in last year's report concerns donor policies towards the issue of internal displacement, in particular the nature of specific activities they fund, through bilateral and multilateral assistance, for addressing the plight of internally displaced persons. As reported last year, the Brookings Project commissioned a study on the response of the United States Government to internal displacement.[12] The Representative is pleased to note that a number of the recommendations contained in that study have since been implemented by the United States Government within the framework of the review of its humanitarian response structure. A similar study, focusing on the role of the European Union as well as examining the bilateral policies of individual Governments, has been commissioned and is due for completion in 2001.

103. As reported last year, the mandate was also undertaking research into the issue of political participation by internally displaced persons. A study on political participation and the internally displaced with specific reference to the OSCE region has since been prepared by the office of the Representative and was published by the Brookings Project in September 2000 for distribution at the OSCE Supplementary Human Dimension Meeting on Migration and Internal Displacement.[13] Focusing on elections in Bosnia and Herzegovina, Croatia, Georgia and the Russian Federation, the study found that internally displaced persons are often unable to vote on the same terms as their non-displaced compatriots owing to practical difficulties posed by situations of displacement or deliberate policy choices by national and local authorities. The implications of this issue in Georgia were further explored at the South Caucasus workshop and during the Representative's mission to that country. The study recommended the effective promotion and implementation of the Guiding Principles and other relevant international standards both by States and by international and regional actors in order to address these concerns.

104. Housing and property restitution is another issue on which the mandate has undertaken research. It will be recalled that the Sub-Commission on the Promotion and Protection of Human Rights has noted the importance of this issue, confirming that the adoption or application of laws which provide for or result in the loss or removal of tenancy, use, ownership or other rights connected with housing or property, the active retraction of the right to reside in a particular place, or laws of abandonment employed against refugees and internally displaced persons pose serious impediments to the return and reintegration of refugees and internally displaced persons and to reconstruction and reconciliation (Sub-Commission resolution 1998/26). The Sub-Commission urged all States to develop effective and expeditious legal, administrative and other procedures to facilitate return, including fair and effective mechanisms designed to resolve outstanding housing and property problems. Further to the mandate's participation in an expert consultation on housing and property restitution for refugees

and internally displaced persons, convened in November 1999 by UNHCR, the office of the Representative has prepared a paper examining property restitution within the context of the development of a normative framework for the internally displaced and the Guiding Principles. The paper is being published in an edition of the Refugee Survey Quarterly focusing on housing and property restitution for refugees and internally displaced persons. The issue of housing and property restitution was also discussed at the regional workshop on internal displacement in the South Caucasus, where participants noted that property restitution is a crucial aspect of the peace-building process. A number of participants described different means by which property issues could be resolved and noted an obligation on the part of States to amend their legislation in such a way as to facilitate restitution.

105. Plans are also under way to undertake research in a number of additional areas. As underlined in the Guiding Principles, the primary duty and responsibility for meeting the protection and assistance needs of the internally displaced rests with the national authorities of a given State. However, most of the available information on country-specific situations of internal displacement tends to concentrate on the numbers and needs of the internally displaced and the causes of their displacement. Given that national responsibility must be the focal point of any response, the Brookings Project intends to undertake research into national responses to situations of internal displacement, with a view to promoting more effective policies and programmes at the national level and simultaneously helping guide the most appropriate international response.

106. As follow-up to the International Colloquy on the Guiding Principles, at which representatives of a number of regional organizations described the extent to which their organizations had engaged in the issue of internal displacement and possibilities for future action, a review is planned of the activities of regional organizations, with a view to identifying ways in which these might be enlarged and also how they might serve as models to be emulated by other regional bodies that have been less engaged with the issue of internal displacement. The overall purpose of the research is to identify the most effective roles for regional organizations to play in addressing situations of internal displacement, especially since the international community cannot, nor should it, always be counted upon to intercede in such situations.

107. Also among the recommendations to emanate from the Vienna Colloquy was the need for the Representative to intensify his advocacy efforts for the protection of international and local humanitarian and human rights personnel working with the internally displaced. In this regard, the Representative plans to focus particularly on the need to ensure protection for the leaders of displaced communities and those working on their behalf, who in many countries do so at great personal risk. The Representative has in the past called for guarantees of safety for such individuals in a number of countries and has joined other thematic rapporteurs in sending urgent appeals on their behalf. The appointment, at the request of the Commission, of the Special Representative of the Secretary-General on human rights defenders provides an important new mechanism for advocating the rights of persons working with the displaced and one with which the Representative has already cooperated in such cases.

108. The Representative plans also to focus more on the mental health needs of displaced populations. At the International Consultation on Mental Health of Refugees and Displaced

Populations in Conflict and Post-Conflict Situations, convened by WHO in October 2000, the Representative, in a statement delivered on his behalf, underlined that attention to the mental health of displaced populations is not only a question of needs but of rights. The mandate's intention to deepen its understanding of, and focus greater attention on, the mental health needs of internally displaced persons was noted, as was its hope to be able to draw upon the experience of WHO and its partners in mental health, for example by receiving expert analysis of the mental health situation of internally displaced persons in particular countries. The report on the Representative's mission this year to Georgia, in particular, devotes attention to the mental health needs of internally displaced persons.

109. Another area on which the mandate will concentrate in the coming months is the development of a more comprehensive protection regime for refugees and internally displaced persons. To this end, the Brookings Project plans to undertake research into the tensions that exist between advocates for refugees and those seeking increased protection for the internally displaced. There is a fear in refugee circles that extending protection to the internally displaced will impede persons fleeing the country and undermine their right to asylum, the keystone of refugee protection. These tensions spill over into the debate on whether or not to create protected or safe areas in conflict situations. The aim of the research is to explore the tensions that exist between protecting refugees and internally displaced persons in conflict situations, and to develop policy responses which seek to integrate better the protection concerns of both groups into a comprehensive regime.

V. CONCLUSION

110. Greater attention this past year to what the Secretary-General has noted as one of the greatest humanitarian challenges of our time - the global crisis of internal displacement - is indeed welcome and well overdue. Never before has there been such an awareness of the problem of internal displacement, or appreciation of the challenges of responding to it effectively.

111. Within the United Nations system, much of the focus this past year has been on structural issues, on setting up the frameworks and processes for an enhanced international response. The critical challenge is now that of ensuring that these developments in the normative, institutional and policy frameworks actually translate into improvements on the ground for the protection, assistance and reintegration of the internally displaced.

112. At the same time, the Representative will continue to expand his ongoing dialogues with Governments, carried out particularly during country missions but also with diplomatic representatives in Geneva during the Commission session, and in New York during the General Assembly and the Economic and Social Council sessions, as well as in capital cities, such as in Rome in 2000, where the Representative addressed the Executive Board of the World Food Programme, or in Cairo and Pretoria where the Representative engaged in constructive discussions with officials in the respective foreign ministries on the subject of internal displacement and the Guiding Principles.

113. As noted earlier, the approach of the Representative has always been one of respecting the sovereignty of Governments while underscoring the responsibility - to protect and assist

internally displaced persons - that that concept entails. In the nine years during which he has had the privilege of serving as the Secretary-General's Representative on internally displaced persons, this approach has been well received by Governments and has proven to be a most constructive basis for dialogue with them.

114. At its last session, the Commission encouraged the Representative, through dialogue with Governments and all intergovernmental and NGOs concerned, to continue his analysis of the causes of internal displacement, the needs of those displaced, measures of prevention and ways to strengthen protection, assistance and solutions for the internally displaced. The Commission also welcomed the fact that the Representative had made use of the Guiding Principles in his dialogue with Governments and requested him to continue efforts in that regard.

115. As the mandate of the Representative comes up for its renewal at this session of the Commission, it was considered appropriate to review in this report the activities which the Representative has carried out since the establishment of the mandate in 1992, particularly in the development of a normative framework on internal displacement, the establishment of effective institutional arrangements for protecting and assisting internally displaced persons, engaging Governments and other actors in dialogues on behalf of the displaced during country missions, and continuing research into pertinent aspects of the global crisis of internal displacement. While some questions have been raised lately over the method followed in the development of the Guiding Principles, and their application in specific situations, what has been most striking is the extent of consensus on the value of the Guiding Principles in offering guidance, admittedly as a non-binding document, for ensuring protection and assistance to the displaced populations of the world. It can indeed be said that with the relevant principles now articulated and disseminated, institutional arrangements established, and the dialogue with Governments and other pertinent actors well under way, the challenge now is to be effective and comprehensive in the field in ensuring protection and assistance to the needy populations internally displaced around the world. The mandate will continue to play its catalytic role of advocacy for the cause of the internally displaced in accordance with the relevant resolutions of the Commission and the General Assembly and in close cooperation with the relevant United Nations agencies, Governments and other pertinent actors. The progress made so far has been gratifyingly significant, but the magnitude of the task ahead remains monumental and challenging.

Notes

[1] See the Court's judgements in cases T-227/97 and T-186589/T-201615/T-2459.

[2] As contained in CONPES document 3057/1999.

[3] Andrew Mawson, Rebecca Dodd and John Hilary, War Brought us Here: Protecting Children Displaced within their own Countries by Conflict (London, Save the Children (UK, 2000)), pp. 15-16.

[4] Organization of American States Inter-American Commission on Human Rights, "Situation in Colombia", OEA/Ser.L/II.102, Doc.9 rev.1, 26 February 1999.

[5] See Supplementary Human Dimension Meeting: Migration and Internal Displacement, Vienna, 25 September 2000, Final Report.

[6] Statement by Dr. Benita Ferrero-Waldner, Chairperson-in-Office of the OSCE, at the closing plenary session of the eighth meeting of the Ministerial Council, 28 November 2000, OSCE document MC.DEL/149/00, 29 November 2000.

[7] See Report of the Committee on Migration, Refugees and Demography concerning the conflict in Chechnya, document 8632, 25 January 2000.

[8] See Walter Kaelin, The Guiding Principles on Internal Displacement: Annotations, American Society of International Law and The Brookings Institution Project on Internal Displacement, 2000.

[9] Statement by Julia V. Taft, Assistant Secretary of State for Population, Refugees and Migration, to the Humanitarian Segment of the Economic and Social Council, 15 July 1998, USUN press release No. 127 (98).

[10] Jim Kunder, The Consolidated Appeals and Internally Displaced Persons: The Degree to Which UN Consolidated Inter-Agency Appeals for the Year 2000 Support Internally Displaced Populations, UNICEF and the Brookings Institution Project on Internal Displacement, August 2000.

[11] Statement of the Secretary-General to the Executive Committee of UNHCR, 2 October 2000.

[12] James Kunder, The U.S. Government and Internally Displaced Persons: Present, But Not Accounted For, Brookings Institution Project on Internal Displacement and U.S. Committee for Refugees, November 1999.

[13] Simon Bagshaw, Internally Displaced Persons and Political Participation: The OSCE Region, Occasional Paper, Brookings Institution Project on Internal Displacement, September 2000.